



CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT
POSTAGE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO:
ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231,
ON: July 25, 2002

THEOBALD H. PAPALE

Name of Person Mailing the Document

THEOBALD H. PAPALE
(Signature)

RECEIVED

AUG 06 2002

TECH CENTER 1600/2900

#9

JM

8/9/02

Attorney Docket No.: B45182

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Capiou, <i>et al.</i>	Date:	
Serial No.:	09/936,985	Group Art Unit:	1645
Filed:	December 19, 2001	Examiner:	V. Ford
For:	Vaccine Against Streptococcus Pneumoniae		

**COPY OF PAPERS
ORIGINALLY FILED**

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Restriction Requirement dated June 26, 2002. As this response is timely filed within the shortened statutory period for response of thirty (30) days, no fee is required. Please charge any additional requisite fees relating to this amendment and response to Deposit Account No. 19-2570.

Restriction Requirement Under 35 U.S.C. §§ 121 and 372

In response to the Restriction Requirement, Applicants elect Examiner's Group I consisting of Claims 1-9 and 11, with traverse. Applicants assert that all of the inventions listed as Groups I-IV relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they all possess the same or corresponding special technical features. However, Applicants prefer to argue the merits of this case, and in particular novelty over the Kuo et al. reference, if and when the Examiner makes a complete examination and issues an action under 37 C.F.R. § 1.104. thereby avoiding piecemeal prosecution.

Applicants hereby reserve the right to rejoin the restricted method claims of Groups II, III and IV under M.P.E.P. § 821.04.

Regarding the requirement to elect a single species for examination on the merits, Applicants elect Examiner's Species F, drawn to CbpA. All of the pending claims read on the elected species. Applicants understand that they will be entitled to consideration of claims to additional species upon the allowance of a generic claim.

Applicants respectfully assert that this response is complete with regard to the Restriction and Election requirements, and that no response to the Examiner's statements regarding anticipation is required at this time, since the instant Restriction and Election requirement does not constitute a complete action on the merits under 37 C.F.R. § 1.104.

Respectfully submitted,



William R. Majarian
Attorney for Applicants
Registration No. 41,173

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5968
Facsimile (610) 270-5090
n:\willapps\b45182/restrictionreq02.doc